

REMARKS

1. Claims 36-51 are currently pending in the application, as amended. Claims 36-38, 40, 44, and 50 have been amended. Support for the amendments to claims 36-38, 40, 44, and 50 can be found in at least paragraphs [0046] and [0047]. No new matter has been added.

All amendments presented herein are made solely to expedite prosecution of the application without admission as to the propriety of the rejections set forth in the present Office Action and without acquiescence to the Examiner's characterization of the claims or cited references. Applicants respectfully reserve the right to include claims of the same or different scope as previously written in one or more continuing applications.

Claim Rejections – 35 U.S.C. § 102

2. The Examiner has rejected claims 36-44, 46 and 48-51 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,064,413 to McKinnon *et al* ("McKinnon"). Claim 36 has been amended without admission as to the propriety of the rejection and without acquiescence to the Examiner's characterization of the claims or cited reference. Applicants respectfully traverse the rejection as follows.

Applicants respectfully submit that McKinnon does not disclose or suggest each and every element of amended claim 36. For example, McKinnon does not disclose or suggest a piston and sleeve each having at least one opening between the respective proximal and distal ends as claimed. Accordingly, McKinnon fails to disclose each and every element of claim 36 of the present application.

Claims 37-44, 46 and 48-51 depend on claim 36 and are patentable over McKinnon for at least the same reason discussed above. Based upon the above, Applicants respectfully request that the Examiner reconsider and withdraw any rejection of claims 36-44, 46 and 48-51 based upon anticipation by McKinnon.

3. The Examiner has rejected claims 36-39, 41-44, 46 and 48-50 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,406,455 to Willis *et al* ("Willis"). Claim 36 has been amended without admission as to the propriety of the rejection and without acquiescence to the Examiner's characterization of the claims or cited reference. Applicants respectfully traverse the rejection as follows.

Applicants respectfully submit that Willis does not disclose or suggest each and every element of amended claim 36. For example, Willis does not disclose or suggest a piston and sleeve each having at least one opening between the respective proximal and distal ends as claimed. Accordingly, Willis fails to disclose each and every element of claim 36 of the present application.

Claims 37-39, 41-44, 46 and 48-50 depend on claim 36 and are patentable over Willis for at least the same reason discussed above. Based upon the above, Applicants respectfully request that the Examiner reconsider and withdraw any rejection of claims 36-39, 41-44, 46 and 48-50 based upon anticipation by Willis.

Claim Rejections – 35 U.S.C. § 103

4. The Examiner has rejected claims 45 and 47 under 35 U.S.C. § 103(a) as being unpatentable over McKinnon in view of U.S. Patent No. 5,304,128 to Haber *et al* (“Haber”). Claims 45 and 47 depend from claim 36 and are patentable over McKinnon in view of Haber for at least the same reason discussed above for the patentability of claim 36 over McKinnon. Haber does not make up for the above noted deficiencies of McKinnon. Accordingly, Applicants respectfully request that the rejection of claims 45 and 47 be reconsidered and withdrawn.

CONCLUSION

5. In view of the foregoing Amendment and remarks, Applicants respectfully submit that the present application, including claims 37-51, as amended, is in condition for allowance and such action is respectfully requested.

Respectfully submitted,

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